ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(b)	)	MM Docket No. 99-346
Table of Allotments,	)	RM-9763
Digital Television Broadcast Stations	)	
(Evansville, Indiana)	)	

To: The Chief, Allocations Branch:

COMMENTS AND ALTERNATE PROPOSAL
OF
GILMORE BROADCASTING CORPORATION

1. By its undersigned attorneys, Gilmore Broadcasting Corporation ("Gilmore"), the licensee of WEHT(TV), Evansville, Indiana, hereby submits its comments in the above-captioned proceeding. On December 8, 1999, the Commission issued a *Notice of Proposed Rulemaking* ("*Notice*"), DA 99-2725, in response to a petition for rulemaking filed by Tri-State Public Teleplex, Inc. ("Tri-State"), licensee of noncommercial educational station WNIN(TV), Evansville, Indiana.

2. In the *Notice*, the Commission proposes to allot DTV Channel 12* at Evansville, Indiana, in lieu of DTV Channel 54* at Evansville. Currently, DTV Channel 54* is allotted to Evansville for use by Tri-State. Gilmore supports the *Notice's* proposed allotment of DTV Channel 12* to Evansville and further proposes the reallotment of WEHT-DT, Evansville, Indiana, from DTV Channel 59 to DTV Channel 54, the DTV Channel which Tri-State proposes to vacate. Such a reallotment would permit WEHT-DT to increase its authorized effective radiated power ("ERP") from 56.5 kW to the maximum 1,000 kW. WEHT-DT's authorized NAD 27 coordinates (37-51-56 N.L., 87-34-4 W.L.) and height above average terrain (314 meters) would remain unchanged.

3. As evidenced by the attached Engineering Statement of Cohen, Dippell & Everist, P.C., the proposed substitution of DTV Channel 54 for DTV Channel 59 for use by WEHT-DT is fully consistent with the Commission's rules. From its authorized transmission site, WEHT-DT would be able to place a city-grade signal over Evansville on DTV Channel 54 in compliance

with Section 73.625(a) of the Commission's rules. Moreover, pursuant to Section 73.623(c)(2) of the Commission's rules, Gilmore's proposal fully complies with the criterion for evaluating whether the proposal will have a *de minimis* impact on other NTSC stations, DTV stations, and DTV allotments.

4. As Gilmore's proposed DTV channel change is dependent upon the *Notice's* proposed allocation of DTV Channel 12* to Evansville, Gilmore submits that the public interest would be best served, and the Commission's resources most efficiently employed, if both Tri-State's and Gilmore's proposed DTV channel changes are considered in the instant proceeding.

5. Finally, if the Commission reallots WEHT-DT from DTV Channel 59 to DTV Channel 54 at Evansville, Gilmore intends to submit a construction permit application for DTV Channel 54 and, if successful, to construct WEHT-DT on DTV Channel 54.

6. Accordingly, Gilmore respectfully requests that the Commission amend the DTV Table of Allotments to reflect (a) the reallotment of WNIN-DT from DTV Channel 54* to DTV Channel 12*, (b) the reallotment of WEHT-DT from DTV Channel 59 to DTV Channel 54, and (c) the increase in the authorized ERP of WEHT-DT from 56.5 kW to 1,000 kW.

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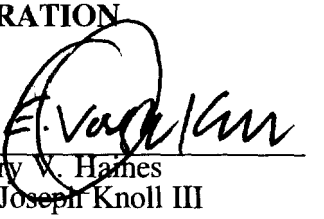
Respectfully submitted,

GILMORE BROADCASTING CORPORATION

By: 

Jerry V. Haines
E. Joseph Knoll III

WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

Its Attorneys

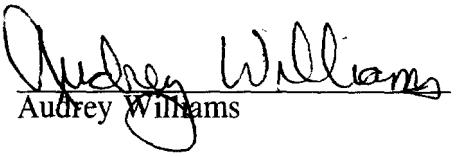
January 31, 2000

CERTIFICATE OF SERVICE

I, Audrey Williams, hereby certify that on January 31, 2000, I served a true copy of the foregoing Comments of Gilmore Broadcasting Corporation on the following person by first hand delivery:

Pam Blumenthal
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 2-A762
Washington, D.C. 20554

Todd D. Gray
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036



Audrey Williams

ENGINEERING STATEMENT
COMMENTS FOR MM DOCKET 99-346, RM-9763
PETITION FOR RULE MAKING
SECTION 73.622 OF THE FCC RULES
TO CHANGE DTV CHANNEL
ON BEHALF OF
GILMORE BROADCASTING CORPORATION
EVANSVILLE, INDIANA
JANUARY 2000

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 31st day of January, 2000.

Notary Public

My Commission Expires: 2/28/2003

This engineering statement has been prepared on behalf of Gilmore Broadcasting Corporation ("Gilmore"), licensee of Television Station WEHT(TV), Evansville, Indiana, which is assigned NTSC Channel 25. It is proposed to change the current digital television channel allotment contained in Section 73.622 of the FCC Rules from UHF Channel 59 to UHF Channel 54 at the maximum UHF DT non-directional power of 1000 kW. The resulting service area encompasses the entire community of license. The proposed WEHT-DT channel change is made in support of Gilmore's comments in MM Docket 99-346, RM-9763 in which Station WNIN(TV) proposes to assign DTV Channel 12* in lieu of DTV Channel 54*.

This request is supported by an analysis of the impact of this proposal on other authorized NTSC stations, DTV stations, and other proposed DTV allotment changes. The analysis has been performed using the Federal Communications Commission OET Bulletin 69 dated July 2, 1997 and the FCC supplemental processing guidelines dated August 1998. The analysis was performed by using the FCC Longley-Rice model adapted for use for an INTEL computer. The results of this adapted program has been compared to other known FCC studies and have been found to give comparable results. Table 1 provide the results of this analysis. In addition to the proposed change requested by WNIN(TV), it is herein requested to change WEHT(TV)'s DTV Table B allotment channel and power as follows:

*Indicates educational reservation

DTV Channel	Effective Radiated Power (kW)	Height Above Average Terrain (meters)
	Existing DTV Table of Allotments, Page B-21[1]	
59	56.5	314
	Proposed DTV Facilities	
54	1000	314

Further, an examination of co-channel and first adjacent low-power television and translator stations within 50 km has been performed. No other co-channel or first-adjacent channel low-power or translator station was found. Therefore, it is believed that the request for DTV channel will be consistent with the FCC Rules.

[1]In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (FCC 98-24), 2/12/98.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE 1
CHANNEL 54
INTERFERENCE ANALYSIS SUMMARY
WEHT-DT, EVANSVILLE, INDIANA
JANUARY 2000

A study of predicted interference by the proposed WEHT-DT service has been performed using a version of the Longley-Rice program as described in OET Bulletin No. 69 [July 2, 1997] and the Public Notice "Additional Application Processing Guidelines for Digital Television (DTV)" [August 10, 1998]. The FCC's FORTRAN-77 code was modified only to the extent necessary (primarily input/output handling) for the program to run on a Windows 98/Intel platform. Comparison of service/interference areas and populations indicates that this model closely matches the FCC's evaluation program. Best efforts have been made to use data and calculations identical to the FCC's program. Any slight differences are attributable to compiler, operating system and/or processor characteristics. The effect of any variance in calculated population values versus the FCC's program is minimized when differencing a given model's results, e.g., new interference equals total interference less baseline interference. The effect is further reduced for ratios of calculated population values, e.g., incremental population affected as a percent of total population served. The model employs the Longley-Rice propagation methodology and evaluates in grid cells of approximately 4 km^2 using 3-second terrain data sampled approximately every 0.1 km at one degree azimuth intervals with 1990 census centroids.

Baseline WEHT-DT: Ch. 59, 59 kW, 314 m HAAT, 37-51-56 NLat, 87-34-4 WLon (NAD 27)
Proposed Change: Ch. 54, 1000 kW, 314 m HAAT, 37-51-56 NLat, 87-34-4 WLon (NAD 27)

			-Interference (% of Population Served) --	
Affected Station:	Appendix B	Distance/Bearing	Baseline	New
WHAS-DT Ch. 55 Louisville, KY Application 1000 kW, 370 m HAAT	99.8% Area Match	160.4 km/69.5°	0.3%	0.1%
WKGB-TV Ch. 53 Bowling Green, KY Licensed 676 kW, 247 m HAAT	1.5% New Interference	119.3 km/136.1°	1.4%	0.1%

All other stations receive no new interference